



DENTAL BOARD OF CALIFORNIA
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**July 10-11, 2003
Board Meeting
Minutes**

The meeting was called to order at 9:15 am. All members were present except Dr. George SooHoo and Mr. David Baron. A quorum was established.

Members Present

Newton Gordon, DDS
Lawrence Hundley, DDS
Alan Kaye, DDS
Patricia Osuna, RDH
Michael Pinkerton, Public Member
Ariane Terlet, DDS
Chester Yokoyama, DDS

Staff Present

Cynthia Gatlin, Executive Officer
Gladys Mitchell, Staff Manager
Lynn Thornton, Chief of Enforcement
Norine Marks, Legal Counsel
Peggy Bagdasarian, Enforcement Coordinator
Anita Dowty, Enforcement Unit
La Rita Abdul-Rahman, Executive Secretary
Traci Napper, CE Coordinator

Agenda Item 3 – Approval of Minutes

It was m/s/c (Yokoyama/Pinkerton) to approve the minutes of the April 4, 2003 meeting with the following amendments:

Agenda Item 4 – under President's report, should read Chicago Mid-Winter Meeting instead of ~~AADE Mid-Winter Meeting~~.

Agenda Item 7 – should read Fact Sheet based on the existing instead of ~~mirrors~~.

Agenda Item 4 – President's Report

Dr. Alan Kaye appointed Ms. LaDonna Drury-Klein, Dr. George SooHoo, and Dr. Ariane Terlet to the Licensure by Credential Committee. Legal Counsel, Norine Marks stated her concerns with the establishment of this committee that it might create some issues regarding the difference in applying the standards to LBC candidates vs licensure by exam candidates. In addition, if any of these applicants came before the board for disciplinary matters, the committee members would have to recuse themselves. Ms. Marks also recommended that this committee be disbanded over the next several months, once the committee has reached a comfort level that staff is following the process set forth by the board. Dr. Gordon suggested that one board member be made the liaison between the board and staff on LBC issues.

Dr. Kaye stated he felt the board was on track; even with all the fiscal restraints, he feels the board is moving in the right direction. He also thanked all the members for their hard work and dedication to board issues.

Agenda Item 5 – Executive Officer’s Report

Ms. Cynthia Gatlin reported on the following issues:

- Budget Report – Ms. Gatlin informed the board of the year-end closing and that we were currently operating without a signed budget, which meant all expenditures and travel would not get paid until the Governor signed the new budget.
- Strategic Plan Update – Pending the budget being signed, the strategic planning session was scheduled to take place September 8-10, 2003 in San Diego. In conjunction with the strategic planning session, Ms. Gatlin informed the members of the need to have a closed session meeting to handle disciplinary actions that cannot be held over until the November meeting. The board members were not in agreement with adding an extra meeting date. As a result, it was decided to shorten the strategic planning session to 1 1/2 days and hold a half day board meeting to cover discipline cases and exam appeals.
- Ms. Gatlin polled the members to see how many members will be attending the American Association of Dental Examiners Annual Meeting in San Francisco. It was m/s/c (Hundley/Pinkerton) to approve four board members to attend as representatives.
- Ms. Gatlin provided the first draft of the Board Member Administrative Manual for each member to review and give input. Ms. Gatlin would like the final manual to be adopted at the November board meeting in order for the policies and procedures to go into effect January 1, 2004.

Agenda Item 6 – Oral and Maxillofacial Surgery Scope of Practice

Dr. Peter Scheer petitioned the board to consider rescinding the January 2000 letter that was signed by former board president, Dr. Roger Simonian, regarding the limitation of scope of practice for Oral and Maxillofacial Surgeons with regard to cosmetic surgery. Deputy Attorney General, Mr. Alan Mangels provided the history and the purpose for which the letter was written.

Dr. Peter Scheer and Ms. Carol O’Brien, General Counsel for the American Association of Oral and Maxillofacial Surgeons in Chicago, IL, addressed their concerns with the letter and why they are requesting the board rescind the letter.

Legal Counsel, Ms. Norine Marks, summarized the options the board could take on this matter.

1. The board could do nothing about the letter and continue enforcing the law as it has in the past.
2. Investigate what kind of regulatory language can be developed to define “associated structures.” Ms. Marks stated she would be happy to work with Ms. O’Brien in putting together language as long as they each understand that they are defining it for all licentiates.
3. Pursue a legislative option, which will give the oral surgeons more of what they want and perhaps provide a greater degree of public protection.

Dr. Ariane Terlet motioned to rescind the letter pending regulations being put in place, to investigate regulatory language to establish the definitions of associated structures, and that the board pursue legislative options to create a specialty license with a separate scope of practice. Dr. Lawrence Hundley seconded the motion.

Dr. Ariane Terlet changed her motion to **not** rescind the January 2000 letter.

The motion was carried by majority vote.

It was m/s (Hundley/Gordon) to rescind the January 2000 letter. The majority vote was not to rescind the letter.

Agenda Item 7 – Dental Insurance Coverage and Billing Practices

This item was tabled by requestor Dr. Alan Kaye.

Agenda Item 8 – Set Meeting Dates for 2004

It was m/s/c to postpone setting meeting dates for 2004 until the proposed exam dates were determined by staff.

Agenda Item 9 – Update on Consumer Friendly Dental Materials Fact Sheet

Dr. Chester Yokoyama provided a final draft of a Consumer Friendly Dental Materials Fact Sheet for the board's approval. Dr. Yokoyama informed the board that he recently testified at a Congressional Hearing in Washington D.C. , not as a board member, but as a CA amalgam-free dentist.

Dr. Yokoyama moved that the fact sheet presented be approved in the format proposed and that staff put it into print and distribute it to the dentists of CA within 30-days. It was seconded by Ms. Tricia Osuna.

Dr. Terlet expressed her multiple reservations with the fact sheet presented. She does not believe that the document, as it is currently written, can be just printed and given out to consumers without being legally set at a certain grade level of education. She also asked that the board members carefully review this document to be clear that this is an update and not a friendly version of the existing fact sheet.

Ms. Collette Galvez, representing the Center for Public Interest Law, submitted comments in support of revising the fact sheet and adding that the readability and the understandability for the average Californian be taken into consideration. Ms. Galvez requested the board approve a motion to revise the existing October 2001 fact sheet, and that Dr. Yokoyama's proposal be used as a starting point to go through the required reviews – have legal counsel review it to make sure it meets the statutory requirement, to have the Department of Consumer Affairs' Communications experts review it for readability, editing and clarity standards and to allow patient focus groups to review it.

After much discussion, Dr. Yokoyama amended his motion to state that version XII be adopted, in concept, as the fact sheet and submitted for legal, grammatical and other appropriate reviews as available and that the reviewed document be presented at the November board meeting. The motion was approved by majority vote.

Agenda Item 10 – COMDA Report

COMDA's request for approval of RDA Education and Radiation Safety Programs was tabled until further notice.

Agenda Item 11 – Diversion Evaluation Committee Liaison Report

Committee Chair, Ms. LaDonna Drury-Klein recommended appointment of Marvin Rosenzweig, M.D to a second term as a DEC Member.

Bruce Walker, DDS submitted a letter of resignation as a Northern CA DEC member.

The 2nd quarter Diversion Statistics were submitted as information only.

Agenda Item 12 – Continuing Education Committee Chair Report

Committee Chair, Ms. Tricia Osuna, reported the outcome of the Continuing Education Committee Meeting held July 10, 2003.

It was m/s/c (Pinkerton/Terlet) to accept the report as given.

Agenda Item 13 – Legislative Committee Report

Committee Chair, Mr. Pinkerton, reported the positions taken by the committee on the new bills presented.

AB 539 was brought before the full board to decide what position the board should take.

It was voted to support, if amended to take care of the fiscal issues.

Agenda Item 14 – Infection Control Committee Report

Committee Chair, Ms. LaDonna Drury-Klein informed the board of the committee's intention to bring forth proposed regulatory language for adoption and set for hearing at the November meeting.

Agenda Item 15 – Enforcement Committee Report

Committee Chair, Mr. Michael Pinkerton, reported the outcome of the Enforcement Committee Meeting held July 10, 2003.

It was m/s/c (Pinkerton/Osuna) to approve the report as given.

Agenda Item 16 – Examination Committee Report

Dr. Ariane Terlet reported the outcome of the Examination Committee Meeting held July 10, 2003.

It was m/s/c (Pinkerton/Osuna) to approve the report as given.

Agenda Item 17 – Emergency Adoption of Section 1042 – California Dental Loan Repayment Program

Legal Counsel, Ms. Norine Marks, informed the board that this regulation would not be heard during the regularly scheduled hearing because the wrong version of the language was provided to interested parties.

Agenda Item 18 - Regulatory Hearings

The following regulatory hearings were held:

Section 1042 – CA Dental Loan Repayment Program

Section 1079.3 – RDHAP Written Examination

Section 1085 – Unlicensed Dental Assistants

Section 1086 – Duties of RDA

Sections 1087/1089 – Supervision and Duties of RDAEFs and RDHEFs

The official minutes of these hearings are in the rulemaking files.

Agenda Item 19 – Public Comment

No additional public comments were given

The meeting was adjourned at 6:30 pm.